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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,836	01/05/2004	Steve Corbin-	2916-003	6794
20575	7590	06/09/2006		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,836	CORBIN ET AL.	
	Examiner	Art Unit	
	Mark S. Graham	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,11-15 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-29,42 and 43 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 11-13, 30-33, 36-39, 41, and 44 is/are rejected.
- 7) ☒ Claim(s) 6,7,14,15,34,35,40 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim 44 is objected to because it appears that "second" in line 3 should be -- first--. This is the assumption made for purposes of this action.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The application as filed did not provide support for an attaching device configured to attach two obstacles as claimed. The passage cited by the applicant has been examined but only refers to placing two obstacles adjacent one another and nowhere discusses the use of a stake or other attaching device to attach them.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 11,13, 30, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of O'Herron. Carter discloses the claimed device with the exception of the temporarily affixing stakes and receivers. However, such are known in the art as disclosed by O'Herron. It would have been obvious to one of

ordinary skill in the art to have used such with Carter's device as well to anchor it to the ground.

Concerning claims 30 and 36, Carter's device is capable of being attached to a second obstacle which is all that the claims require.

With regard to claim 33, Carter's loop ramps the ball upwards.

Applicant's comments regarding the above rejection have been considered but are not persuasive. There is no support for the argument that Carter's loop is an integral part of the golf course unit. Moreover, as O'Herron teaches such obstacles may be made portable and attached with stakes as claimed which is the point of the rejection. The ordinarily skilled artisan would readily recognize that a loop such as Carter's could have been utilized in the same way regardless of whether or not it is an integral feature of Carter's device.

Claims 4, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Fatur. Claims 4, 5, and 12 are obviated for the reasons expressed in the claim 1 rejection with the exception of the structure of the stake. However, as disclosed by Fatur it is known in the art to use tee's for purposes of staking golf putting elements. Such tees have a lower pointed portion an upper cup portion and a flared portion which is designed to interfere with the entrance of the receiver. It would have been obvious to one of ordinary skill in the art to have used such a stake system with a Carter/O'Herron obstacle so that a standard commonly accessible golf implement could have been used for the staking purpose.

Regarding claim 5, the examiner takes official notice that golf tees commonly include colored and alphanumeric indicia. How one uses such indicia (as for coding) does not further distinguish the claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 32, 11, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerwitz et al. (Gerwitz). Gerwitz discloses all of the claimed features and may be used by striking a ball into the helical loop/tunnel. Regarding the removable stakes note Fig. 1 which shows that the stake is actually two separate stakes. These stakes are removable from the ground and thus meet the removable limitation.

Claims 39, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaccaro in view of Carter. Vaccaro discloses the claimed set with the exception of the helical loop. Vaccaro's device is applicable to balls generally. However, such helical loops are also known in the ball art as typified by Carter. It would have been obvious to one of ordinary skill in the art to have included such on Vaccaro's ramps along with the included tunnel 21 and ramps to add further interest to the game.

Claims 6, 7, 14, 15, 34, 35, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-29, 42, and 43 are allowed.

Applicant's arguments with respect to the claims rejected based on Vaccaro, Fatur, and Gerwitz have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 3/6/06 regarding the rejections based on Carter and O'Herron have been fully considered but they are not persuasive for the reason explained above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3711

Any inquiry concerning this communication should be directed to Mark S.

Graham at telephone number 571-272-4410.

MSG
6/6/06

A handwritten signature in black ink, appearing to be 'M. S. Graham', with a long, sweeping horizontal line extending to the right across the page.

Mark S. Graham
Primary Examiner
Art Unit 3711